

Appln. No. 09/786,867  
Amd. dated January 31, 2005  
Reply to Office Action of September 3, 2004

**REMARKS**

The Office Action of September 3, 2004, primarily in the nature of a requirement for restriction has been carefully reviewed. The examiner indicates that the application contains eight inventions or groups of inventions (Groups I-VIII) which are not so linked as to form a single general inventive concept under PCT Rule 13.1 and requires election of a single invention to which the claims must be restricted. The requirement for restriction is believed to be moot in view of the cancellation of the previously pending claims 29-66 in favor of newly added claims 67-83, which are directed to a polypeptide comprising residues 118-165 of SEQ ID NO:5, a pharmaceutical composition thereof, a DNA molecule encoding the polypeptide, an expression vector and host cell containing the DNA molecule, a method for preparing the polypeptide and a method of use. The new claims are supported by the disclosure in the present specification in Examples 9 (pages 27-30) and 12-14 (pages 35-39) and Figs. 9A-9B and 12 for the C48 construct corresponding to the last 48 C-terminal residues of OFF1 (residues 118-165 of SEQ ID NO:5).

The newly added claims 67-83 share a special technical feature of the C48 fragment of OFF1 (residues 118 to 165 of SEQ ID NO:5) which is not disclosed or suggested in the Moroz et al., *Proc. Natl. Acad. Sci. USA* 86:3282-3285 (1989) cited by the examiner or in the prior art. Accordingly, a special technical feature is present and links a polypeptide with a pharmaceutical composition and a method of using the polypeptide on the one hand

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and a DNA molecule encoding the polypeptide, an expression vector and host cell thereof and a method of preparing the polypeptide on the other hand. Examination on the merits of all of claims 67-83 together is respectfully requested.

A substitute sequence listing in paper copy and CRF is attached hereto to replace the previously filed sequence listing of October 3, 2003 and August 19, 2002. The reason for this substitute sequence listing is to provide consistency with the specification as amended in the Response to Notification to Comply with Sequence Listing Requirements of August 21, 2001, to insert sequence identifiers. The previously filed sequence listing of October 3, 2003 and August 19, 2002, inadvertently contained 37 sequences instead of 36 and the sequences therefore needed to be renumbered to be consistent with the sequence identifiers in the amended specification.

The following statement is provided to meet the requirements of 37 C.F.R. §1.825(a) and 1.825(b).

I hereby state, in accordance with 37 C.F.R. §1.825(a), that the amendments included in the substitute sheets of the sequence listing are believed to be supported in the application as filed and that the substitute sheets of the sequence listing are not believed to include new matter.

I hereby further state, in accordance with 37 C.F.R. §1.825(b), that the attached copy of the computer readable form is

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the same as the attached substitute paper copy of the sequence listing.

Favorable consideration and early allowance are respectfully solicited.

Respectfully submitted,

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